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CLERK'S OFFICE
U.S. DISTRICT COURT

STATE OF VERMONT

Vermont Superior Court
Orange Unit

Henry Buermann,
Plaintiff

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Civil Division

Docket No. 115-7-17 Oecv

v.

Volkswagen Group of America, Inc.
Defendant

COMPLAINT

NOW COMES the Plaintiff, Henry Buermann, by and through his attorney,
Stephen J. Craddock, Esq., who hereby makes complaint against Defendant Volkswagen
Group of America, Inc. (hereinafter referred to as "Volkswagen") as follows:

BACKGROUND

1. Plaintiff is a resident of Brookfield, County of Orange and State of Vermont.
2. Defendant is a New Jersey corporation with its headquarters and principal place of business in Herndon, Virginia.
3. Volkswagen designs, manufactures, markets, distributes, and warrants motor vehicles in the United States.
4. Volkswagen is registered to do business in Vermont and has sufficient minimum contacts here in Vermont to be subject to this Court's jurisdiction. Volkswagen markets the vehicles it manufactures to Vermonters and promotes the sale of its vehicles to Vermonters through various forms of advertising.
5. In the late 2000s, Volkswagen introduced what they claimed was a new breed of "clean diesels" that could meet state and federal emissions standards plus give buyers plenty of power, fuel economy and low emissions. Volkswagen created various

webpages, press releases, print and television commercials that proclaimed the virtues of its “clean diesel” technology.

6. Buyers such as Plaintiff were induced by these representations to buy Volkswagen vehicles with “clean diesel” engines. Plaintiff bought a 2012 Volkswagen Jetta with a “clean diesel” engine, VIN# 3VWLL7AJ9CM322235 from Moore Quality Cars in St. Albans, Vermont on or about July 18, 2014.

7. However, these clean diesel vehicles were not what they were advertised to be. These Volkswagen clean diesel vehicles are not capable of passing federal and state emissions standards but Volkswagen had equipped the vehicles with illegal software designed to falsify the vehicles emissions. The software was designed to recognize when a vehicle was undergoing emissions testing and then activate a full emissions control system. Once the testing was completed, the software would switch the vehicle back into its “road calibration” mode which would result in the emission of ten to forty times the lawful amount of nitrogen oxide, a pollutant that contributes to smog and serious health problems.

8. Without this illegal software, buyers such as Plaintiff, would not have bought a “clean diesel” vehicle manufactured by Volkswagen.

9. Plaintiff is now unable to use the Volkswagen diesel Jetta he purchased in 2014 because he is unable to get the vehicle inspected due to its inability to meet current emissions standards.

COUNT 1: COMMON LAW FRAUD

10. Plaintiff realleges paragraphs 1-9 above and incorporates them herein by reference.

11. Volkswagen’s conduct as outlined above constitutes a violation of common law fraud as they knowingly used illegal software to pass state and federal

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emission tests and marketed their diesel vehicles as environmentally friendly "clean diesels" when they knew they were anything but clean.

COUNT 2: BREACH OF WARRANTY

12. Plaintiff realleges paragraphs 1-11 above and incorporates them herein by reference.
13. Volkswagen's conduct as outlined above constitutes a breach of applicable warranties.

COUNT 3: CONSUMER FRAUD

14. Plaintiff realleges paragraphs 1-13 above and incorporates them herein by reference.
15. Volkswagen's conduct as outlined above constitutes a violation of Vermont's consumer protection statutes, 9 V.S.A. § 2451 et seq.

WHEREFORE, Plaintiff respectfully requests this Honorable Court take jurisdiction in this matter and grant Plaintiff damages to be determined at trial, punitive damages, treble damages and reasonable attorney's fees as allowed by statute, plus costs and any other relief the Court may deem just.

DATED at Berlin, Vermont, this 16th day of July 2017.

BY: 

Stephen J. Craddock, Esq.
Attorney for Plaintiff

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